

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IVORY LEE SHAVER,

Petitioner,

Case No. 1:20-cv-61

v.

HONORABLE PAUL L. MALONEY

SHANE JACKSON,

Respondent.

_____ /

ORDER ADOPTING REPORT AND RECOMMENDATION

This is a habeas corpus petition filed pursuant to 28 U.S.C. § 2254. Respondent filed a motion to dismiss. The matter was referred to the Magistrate Judge, who issued a Report and Recommendation on November 25, 2020, recommending that this Court grant the motion and deny the petition as time-barred. The Report and Recommendation was duly served on the parties. No objections have been filed, *see* 28 U.S.C. § 636(b)(1), and the Court issues this Order. The Court will also issue a Judgment in this § 2254 proceeding. *See Gillis v. United States*, 729 F.3d 641, 643 (6th Cir. 2013) (requiring a separate judgment in habeas proceedings). Therefore,

IT IS HEREBY ORDERED that the Report and Recommendation of the Magistrate Judge (ECF No. 8) is APPROVED and ADOPTED as the Opinion of the Court.

IT IS FURTHER ORDERED that the Motion to Dismiss (ECF No. 6) is GRANTED and the petition for habeas corpus relief (ECF No. 1) is DENIED for the reasons stated in the Report and Recommendation.

IT IS FURTHER ORDERED that Petitioner’s Motion to Dismiss Only the Non-Exhausted Claims, Stay Proceedings on the Exhausted Claims, and Permit the Petitioner to Promptly Exhaust the Non-Exhausted Claims before Returning to Federal Court (ECF No. 9) is DISMISSED AS MOOT.

IT IS FURTHER ORDERED that a certificate of appealability pursuant to 28 U.S.C. § 2253(c) is DENIED as to each issue asserted. *See* RULES GOVERNING § 2254 CASES, Rule 11 (requiring the district court to “issue or deny a certificate of appealability when it enters a final order”). Petitioner has not demonstrated that reasonable jurists would find the Court’s rulings debatable or wrong. *Slack v. McDaniel*, 529 U.S. 473 (2000); *Murphy v. Ohio*, 263 F.3d 466, 466-67 (6th Cir. 2001).

Dated: January 4, 2021

/s/ Paul L. Maloney
Paul L. Maloney
United States District Judge